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REMARKS

By the Office Action of mailed August 1, 2005, Paper No. 07282005, Claims 48-54 are pending.

Applicants thank Examiner Tawfik for the telephone interview permitted to discuss and clarify the Office Action and the current rejections of the claims as reflected in the Interview Summary mailed September 16, 2005. More particularly, Applicants' attorney presented the points that "guiding plates" do not provide the function of permanently sealing the tabs. They do not serve to join the tabs, nor do they provide surface sealing as recited in claim 45. Moreover, it was pointed out that Neri does not disclose the order of the steps in claims 45 and 48 in which the side tabs and end tabs are pre-sealed before any of the tabs are permanently sealed.

1. The Claim Rejections Under 35 U.S.C. §103(a)

Claims 45-52 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Neri et al. (U.S. 5,701,725) in view of WO 9856662A. Claims 53 and 54 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Neri '725 and WO '662 further in view of McDaniel (U.S. 4,256,526).

Applicants respectfully request reconsideration and withdrawal of the rejections. As set forth below, the rejections are respectfully traversed. None of the cited references, either taken alone or in combination, teach or suggest all of the features recited in the claims. Therefore, the claims are in condition for allowance.

A. The Subject Matter of the Claims

There are only two independent claims among the claims presently pending, namely claims 45 and 48. The claims are directed to a process for folding and sealing an outer wrapper on a dimensionally stable pack. The film wrapper is, as is generally the case, configured such that partially overlapping folding tabs, which are to be connected to each other, are formed in the region of three pack sides, namely the overlap 22 at a narrow longitudinal side, as well as the "envelope-type fold" in the region of the end wall 18 and base wall 19. All three regions undergo

two sealing steps. In a first thermal sealing step, the folding tabs in question are "pre-sealed", first in the region of overlap 22 of the side tabs and afterwards in the region of the end wall 18 and base wall 19. After the three pack sides are pre-sealed, the three pack sides with the folding tabs of film are then sealed a second time, i.e. a "final" or permanent sealing in which they are subjected to heat and pressure.

Accordingly, with respect to the pre-sealing steps, the outer wrapper is completely folded and all formed folding tabs are connected to each other by the pre-sealing step such that every subsequent application of heat to the film, namely the final sealing, is incapable of deforming or displacing the film as a result of shrinkage. As shown in the Response and Amendment mailed December 23, 2002, an immediate "full sealing" in the region of overlap 22 results in an undesired deformation of the film by shrinkage. This is avoided by Applicants' double sealing process with its pre-sealing and final sealing steps recited in the pending claims.

Claims 45 and 48, thus, recite a process in which:

1.) the side tabs of a wrapper are sealed not once but twice, and the top and bottom tabs as recited in Claim 48, referred to as the transverse and longitudinal folding tabs in Claim 45, are also sealed twice; and

2.) Additionally, the order of the process steps is such that the second sealing (permanent sealing) of the side tabs in the region of their overlap presented by element 22 in Applicants' figures occurs after the top and bottom transverse and longitudinal tabs are first pre-sealed, and likewise the second sealing (permanent sealing) of the top and bottom transverse and longitudinal tabs occurs after the side tabs are pre-sealed. The second sealing of the side tabs in the region of their overlap 22, thus, occurs only in the region illustrated in, for example Fig. 1, which is in the region of the overlap of the side tabs between end wall 18 and base wall 19 of the pack and does not involve the inner transverse tabs 23 and 24 that are extensions of the side tabs, extending beyond the end wall and base wall.